

Application of
the statute.

use and occupation thereof, or in any other form, but which action is in effect one testing the validity of the title thereto, all the foregoing provisions of this act shall so far as possible be complied with, and the value of all improvements, taxes and assessments and purchase money, in case the occupant claims under an official deed, with interest as aforesaid, shall be set off against any judgment for money that the claimant may obtain, and if any excess remains in favor of occupant after such set off such excess may be set off against any judgment or judgments that claimant or those claiming under him may subsequently obtain in any such or similar action relating to said land.

When land has
depreciated.

SEC. 8. In case the land has depreciated in value since its purchase at an official sale, the jury or court, in case of trial by the court, may allow such part only of the purchase money as in their discretion they may see fit.

Good faith pre-
sumed, when.

SEC. 9. When occupant holds as heir or devisee, or as grantee, either immediate or remote, of any person who is a non-resident of this state, the good faith of the original taker shall be presumed.

Act applies, when

SEC. 10. All the provisions of this act shall apply to cases where occupant is not, as well as where he is, in actual possession, and also to cases where the action is brought by the occupant himself to determine an adverse claim.

Act takes effect.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 10, 1873.

CHAPTER LVI.

AN ACT IN RELATION TO SALES BY EXECUTORS, ADMINISTRATORS AND GUARDIANS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section forty-one, of chapter fifty-seven of the general statutes, is hereby amended by adding

thereto the following: *Provided*, That when any executor, administrator or guardian so licensed to sell real estate, resides out of this state, he may take and subscribe such oath before any notary public or clerk of a court of record of the state where he resides, and the same with the seal of the officer before whom the same was taken attached, shall have the same force and effect as if taken before any officer within this state authorized to administer oaths.

Oath taken and subscribed out of the state.

SEC. 2. That in all sales of real estate heretofore made in this state by any executor, administrator or guardian residing in any other state, where the oath required by law previous to sale has been taken and subscribed by such executor, administrator or guardian before any notary public or clerk of a court of record of the state where such executor, administrator or guardian resides, such oath with the seal of the officer before whom the same was taken attached, and having been filed with the judge of probate, is hereby declared to be in compliance with the laws of this state, and is hereby legalized and made valid and of the same force and effect in all respects as if taken and subscribed before any officer within this state authorized to administer oaths.

Oath taken out of this state, filed in probate court, declared valid.

SEC. 3. This act shall take effect and be in force from and after its passage.

Act takes effect.

Approved February 21, 1873.

CHAPTER LVII.

AN ACT TO PRESERVE THE EVIDENCE OF TITLE TO REAL ESTATE PURCHASED AT EXECUTORS', ADMINISTRATORS' OR GUARDIANS' SALE.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. It shall be the duty of the judge of probate to furnish to any person applying therefor, a certified copy, under his official seal, of any paper on file in his office relating to or in any way connected with the sale of any real estate by any executor, administrator or guardian.

Probate judge must give certified copy of any paper concerning sale of land.